

REMARKS

Claims 1-3 and 5-26 are pending, of which claims 10-26 are withdrawn.

Claims 1-3 and 5-9 are provisionally rejected under 35 U.S.C. § 101 as claiming the same invention as that of claims 1-24 of copending Application No. 10/495,106.

Applicants respectfully request that the Examiner hold these rejections in abeyance until allowable subject matter is obtained in the present application.

Claims 1-3 and 5-9 are rejected under 35 U.S.C. § 102(e) as being anticipated by Pre-Grant Publication No. 2005/0019655 to Miyake et al. ("Miyake").

The effective U.S. filing date of Miyake is May 10, 2004. The present application claims benefit of foreign filing based on Japanese Patent Application Nos. JP 2003-085138 filed on March 26, 2003; JP 2003-089077 filed on March 27, 2003; JP 2003-405837 filed on December 4, 2003; and JP 2004-073577 filed on March 15, 2004. Accordingly, Miyake does not qualify as a prior art reference under 35 U.S.C. § 103(a).

In the Office Action mailed February 26, 2007, the Examiner acknowledged receipt of certified copies of the priority documents for the benefit of the foreign filing date. In accordance with 37 C.F.R. § (a)(4), an English language translation of Japanese Patent Application Nos. JP 2003-085138 and JP 2003-089077 is presented concurrently herewith. Claim 1 is fully supported by JP 2003-089077 (*see*, page 1, claims 1 and 3 of the certified translation).

Accordingly, the rejections of record are traversed. Favorable reconsideration is requested.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper,

Application No.: 10/807,148

including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

A handwritten signature in black ink, appearing to read 'L.A. Kilday', with a stylized flourish at the end.

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